IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 82 (SB) OF 2004

Indira Ram, son of Late Shri Moti Ram,
Principal Government Post Graduate College,
Kashipur, District Udham Singh Nagar. ….……Petitioner

Versus

1. State of Uttaranchal,
   through Secretary Education,
   Secretariat, Dehradun.
2. State of Uttaranchal,
   through Secretary,
   Human Resources &Development,
   Uttaranchal Shasan,
   Dehradun.
3. Director, Higher Education, Haldwani,
   District Nainital. ……..Respondents.

&

WRIT PETITION NO. 84 (SB) OF 2004

Dr. Jagdish Prasad,
S/o Sri Badri Prasad,
R/o Govt.P.G. College,
Ranikhet (Almora). …..……Petitioner

Versus

1. State of Uttaranchal,
   through Secretary Education,
   Secretariat, Dehradun.
2. State of Uttaranchal,
   through Secretary,
   Human Resources &Development,
   Uttaranchal Shasan,
   Dehradun.
3. Director, Higher Education, Haldwani,
   District Nainital. ……..Respondents.

Sri R.K. Raizada, Counsel for the petitioner.
Sri S. Dhulia, Senior Counsel for the respondents.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. By the present stay, the further appointments are stuck up. The appointment is only for one post i.e. of the Director (Higher Education). The feeder cadre for this post is the Principals of the Post Graduate Colleges and Joint Directors.

2. It is now proposed that the principals of all the Post Graduate Colleges and the Joint Directors should be given an opportunity for the selection, which would include the petitioner also. Needless to mention that this selection shall be on merits in keeping with the rules for selection.

3. In the meantime, however, the government may consider the holding of the director's charge by a person, who may be required to officiate on that post, but it is made clear that merely because the person concerned is directed to officiate on that post that, by itself, will not give any person so appointed any added benefit in so far as the present selection is concerned.

4. In the even of the selection, all the parties would have the right to challenge the same even on the ground of inter se seniority.

5. With these observations, the writ petition is disposed of.

(Rajesh Tandon, J.) 21.12.2004

(V.S. Sirpurkar, C.J.) 21.12.2004

P.S.R.